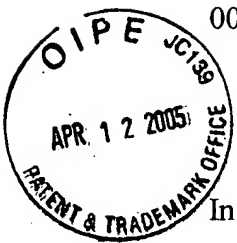


IFW

00862.023526

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
NOBUKO YAMAMOTO ET AL.)
Application No.: 10/810,550) Group Art Unit: 1645
Filed: March 29, 2004)
For: INFECTIOUS ETIOLOGIC)
AGENT DETECTION PROBE)
AND PROBE SET, CARRIER,)
AND GENETIC SCREENING)
METHOD) Date: April 11, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed below and on the enclosed Form PTO-1449. Copies of the foreign documents are also enclosed.

- (1) U.S. Patent No. 5,620,847
- (2) U.S. Patent No. 5,738,987
- (3) U.S. Patent No. 5,723,344
- (4) U.S. Patent No. 5,635,348
- (5) U.S. Patent No. 6,380,370
- (6) WO 98/14567
- (7) WO 02/002811
- (8) WO 96/16186
- (9) WO 95/20055
- (10) WO 99/07722
- (11) WO 00/58505
- (12) WO 01/34809
- (13) WO 00/66789
- (14) WO 01/48237

- (15) WO 02/070728
- (16) WO 00/66788
- (17) WO 97/41253
- (18) WO 97/31114
- (19) WO 01/07648
- (20) WO 01/42457
- (21) WO 99/22023
- (22) WO 97/21819

- (23) JP 7/39398
- (24) JP 2001-136969

- (25) DE 199 41 359
- (26) DE 199 15 141

- (27) EP 0 957 175
- (28) EP 0 497 464

- (29) Database EMBL Accession No. AJ489358, "Staphylococcus sp. Lgg15.2 partial 16S rRNA gene, strain Lgg15.2 16S ribosomal RNA; 16S rRNA gene; Staphylococcus sp. Lgg15.2" June 13, 2002

- (30) Database EMBL Accession No. AY126146, "Staphylococcus aureus strain R1 16S ribosomal RNA gene, partial sequence" July 25, 2002

- (31) Database EMBL Accession No. AF498067, "Uncultured Staphylococcus sp. isolate DGGE gel band M4 16S ribosomal RNA gene, partial sequence" April 26, 2002

- (32) Database EMBL Accession No. AY072700, "Bacillus pumilus strain ID48 16S ribosomal RNA gene, partial sequence" January 29, 2002

- (33) Database EMBL Accession No. U11775, "Staphylococcus aureus methicillin-resistant isolate H11 clone RRNV13 16S-23S rRNA spacer region" February 21, 1995

- (34) Database EMBL Accession No. AF076039, "Pseudomonas aeruginosa 16S ribosomal RNA gene, partial sequence" September 9, 1998

- (35) Database EMBL Accession No. AB061685, "Serratia marcescens gene for 16S rRNA, partial sequence" May 16, 2001

- (36) Database EMBL Accession No. AJ296306, "Serratia marcescens 16S rRNA gene, isolate 90-166" November 27, 2000

- (37) Database EMBL Accession No. AB002522, "Streptococcus pneumoniae DNA for 16S rRNA, strain MAFF 911410" April 13, 1997

- (38) Database EMBL Accession No. AF076029, "Streptococcus pneumoniae 16S ribosomal RNA gene, partial sequence" September 9, 1998
- (39) Database EMBL Accession No. X87977, "H. influenzae DNA for ribosomal RNA (strain CIP 5483)" June 25, 1996
- (40) Database EMBL Accession No. M35019 M59433, "H. influenzae 16S ribosomal RNA" March 12, 1991
- (41) Database EMBL Accession No. Y11487, "K.pneumoniae ribosomal RNA, strain ATCC13883" February 27, 1997
- (42) Database EMBL Accession No. Y17668, "Kiebsiella pneumoniae 16S rRNA gene, strain Klebs313, partial" June 29, 1998
- (43) Database EMBL Accession No. U33121, "Kiebsiella pneumoniae 16S ribosomal RNA gene, complete sequence" August 27, 1996
- (44) Database EMBL Accession No. X80721, "E.coli rrnA gene" March 29, 1996
- (45) Database EMBL Accession No. AE016749 AE015929, "Staphylococcus epidermidis ATCC 12228, section 6 of 9 of the complete genome" January 2, 2003
- (46) Database EMBL Accession No. D83363, "Staphylococcus epidermidis (strain ATCC 14990T) gene for 16S rRNA, partial sequence" February 27, 1996
- (47) Database EMBL Accession No. AAL44979, "Enterobacter 16S rRNA gene fragment" November 20, 2001
- (48) Database EMBL Accession No. AAX24989, "E. coli MG1655 rrnH operon (16S-spacer-23S-spacer-5S0" July 24, 1999
- (49) Database EMBL Accession No. AF157695, "Enterobacter cloacae 16S ribosomal RNA gene, partial sequence" June 28, 1999
- (50) Database EMBL Accession No. AJ420803, "Enterococcus faecalis 16S rRNA gene, strain CECT481T" December 21, 2001
- (51) Wang, R., et al., "Design and evaluation of oligonucleotide-microarray method for the detection of human intestinal bacterial in fecal samples", FEMS Microbiology Letters, vol. 213, pp. 175 to 182 (2002).
- (52) Wilson, K., et al., "High-Density Microarray of Small-Subunit Ribosomal DNA Probes", Applied And Environmental Microbiology, pp. 2535 to 2541 (2002).
- (53) Krimmer, V., et al., "Detection of *Staphylococcus aureus* and *Staphylococcus epidermidis* in Clinical Samples by 16S rRNA-Directed In Situ Hybridization", Journal Of Clinical Microbiology, pp. 2667 to 2673 (1999).

The Examiner is directed to the enclosed copy of the European Search Report dated August 9, 2004, for a concise explanation of relevance for each of the documents listed above.

Inasmuch as the subject application has not yet received a first Office Action, it is believed that this Information Disclosure Statement is timely. See 37 C.F.R. § 1.97(b)(3). Accordingly, the Examiner is urged to study this information in its entirety and to form an independent determination of the materiality of the information to the claimed invention. Additionally, the Examiner is requested to indicate that this information has been considered by initialing the appropriate portion of Form PTO-1449.

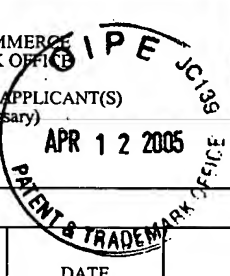
Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neil", is written over a horizontal line.

Michael K. O'Neil
Attorney for Applicants
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)			ATTY DOCKET NO. 00862.023526.		APPLICATION NO. 10/810,550		
			APPLICANT NOBUKO YAMAMOTO, ET AL.				
			FILING DATE March 29, 2004		GROUP 1645		
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,620,847	04/97	Greisen, et al.	435	6	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
		02/070728	09/02	WO			
		00/66788	11/00	WO			
		97/41253	11/06	WO			
		97/31114	08/97	WO			
		01/07648	02/01	WO			
		01/42457	06/01	WO			
		99/22023	05/99	WO			
		97/21819	06/97	WO			
		199 15 141	09/00	DE			
		0 957 175	04/98	EP			
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Wang, R., et al., "Design and evaluation of oligonucleotide-microarray method for the detection of human intestinal bacterial in fecal samples", FEMS Microbiology Letters, vol. 213, pp. 175 to 182 (2002).					
		Wilson, K., et al., "High-Density Microarray of Small-Subunit Ribosomal DNA Probes", Applied And Environmental Microbiology, pp. 2535 to 2541 (2002).					
		Krimmer, V., et al., "Detection of <i>Staphylococcus aureus</i> and <i>Staphylococcus epidermidis</i> in Clinical Samples by 16S rRNA-Directed In Situ Hybridization", Journal Of Clinical Microbiology, pp. 2667 to 2673 (1999).					
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		Database EMBL Accession No. AF498067, "Uncultured Staphylococcus sp. isolate DGGE gel band M4 16S ribosomal RNA gene, partial sequence" April 26, 2002					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		5,738,987	04/98	Milliman	435	6	
		5,723,344	03/98	Mabilat, et al.	436	518	
		5,635,348	06/97	Leong	435	6	
		6,380,370	04/02	Doucette-Stamm, et al.	536	23.1	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
		98/14567	04/98	WO			
		02/002811	01/02	WO			
		96/16186	05/96	WO			
		95/20055	07/95	WO			
		99/07722	02/99	WO			
		00/58505	10/00	WO			
		01/34809	05/01	WO			
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		01/48237	07/01	WO			
		99/07722	02/99	WO			
		01/48237	07/01	WO			
		7/39398	02/95	Japan			Abstract
		199 41 359	08/99	Germany			
		0 497 464	01/92	Europe			
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		2001-136969	03/2001	Japan			Abstract
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Sheet 3 of 3